

## CHAMBER ACTION

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1 The Fiscal Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to government accountability; creating ch.  
7 21, F.S., the Florida Government Accountability Act;  
8 providing definitions; creating the Legislative Sunset  
9 Advisory Committee; providing for appointment,  
10 qualifications, and terms of committee members; providing  
11 for vacancies; providing for organization and procedure;  
12 authorizing reimbursement for certain expenses; providing  
13 for employment of staff; providing a schedule for  
14 abolishing state agencies and advisory committees;  
15 prescribing required content for agency reports to the  
16 committee; providing for review of agencies and their  
17 advisory committees by the Office of Program Policy  
18 Analysis and Government Accountability; prescribing duties  
19 of the committee in reviewing reports, consulting with  
20 other legislative entities, holding public hearings, and  
21 making a report and recommendations to the legislative  
22 leadership with respect to agencies scheduled for  
23 abolition; providing for monitoring committee

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24 recommendations; providing review criteria; specifying  
25 recommendation options; authorizing exemption from certain  
26 review for certain agencies; providing for continuation of  
27 state agencies and their advisory committees, by law,  
28 under certain circumstances; providing for legislative  
29 consideration of proposals with respect to such  
30 recommendations; providing procedures after termination;  
31 providing for issuance of subpoenas; authorizing  
32 reimbursement for travel and per diem for witnesses;  
33 providing for assistance of and access to state agencies;  
34 providing applicability with respect to certain rights,  
35 penalties, liabilities, and proceedings; providing for  
36 review of proposed legislation creating a new agency or  
37 advisory committee; amending s. 216.023, F.S.; requiring  
38 that performance measures and standards and outsourcing  
39 cost-benefit and business case analyses identify impacts  
40 on agency activities; creating a working group to develop  
41 instructions for agencies regarding the computation of  
42 activity and unit cost information required to be included  
43 in legislative budget requests; providing an effective  
44 date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Chapter 21, Florida Statutes, consisting of  
49 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,  
50 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.0126, 21.013,

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51 | 21.015, 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is  
52 | created to read:

53 | CHAPTER 21

54 | GOVERNMENT ACCOUNTABILITY

55 |  
56 | 21.001 Short title.--This chapter may be cited as the  
57 | "Florida Government Accountability Act."

58 | 21.002 Definitions.--As used in this chapter:

59 | (1) "State agency" or "agency" means a department as  
60 | defined in s. 20.03(2) or any other administrative unit of state  
61 | government scheduled for termination and prior review under this  
62 | chapter.

63 | (2) "Advisory committee" means any examining and licensing  
64 | board, council, advisory council, committee, task force,  
65 | coordinating council, commission, or board of trustees as  
66 | defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any  
67 | group, by whatever name, created to provide advice or  
68 | recommendations to one or more agencies, departments, divisions,  
69 | bureaus, boards, sections, or other units or entities of state  
70 | government.

71 | (3) "Committee" means the Legislative Sunset Advisory  
72 | Committee.

73 | 21.003 Legislative Sunset Advisory Committee.--

74 | (1) The Legislative Sunset Advisory Committee is created  
75 | and shall consist of five members of the Senate and one public  
76 | member appointed by the President of the Senate and five members  
77 | of the House of Representatives and one public member appointed  
78 | by the Speaker of the House of Representatives. Each appointing

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79 | authority may designate himself or herself as one of the  
80 | legislative appointees.

81 | (2) An individual is not eligible for appointment as a  
82 | public member if the individual or the individual's spouse is:

83 | (a) Regulated by a state agency that the committee will  
84 | review during the term for which the individual would serve; or

85 | (b) Employed by, participates in the management of, or  
86 | directly or indirectly has more than a 10-percent interest in a  
87 | business entity or other organization regulated by a state  
88 | agency the committee will review during the term for which the  
89 | individual would serve.

90 | (3) It is a ground for removal of a public member from the  
91 | committee if the member does not have the qualifications  
92 | required by subsection (2) for appointment to the committee at  
93 | the time of appointment or does not maintain the qualifications  
94 | while serving on the committee. The validity of the committee's  
95 | action is not affected by the fact that it was taken when a  
96 | ground for removal of a public member from the committee  
97 | existed.

98 | (4) Legislative and public members shall serve terms of 2  
99 | years. A public member may not serve more than two consecutive  
100 | 2-year terms; and, for purposes of this prohibition, a member is  
101 | considered to have served a term only if the member has served  
102 | more than half of the term.

103 | (5) Initial appointments shall be made not later than  
104 | November 30, 2006, and subsequent appointments shall be made not  
105 | later than January 15 of the year following each organization  
106 | session of the Legislature.

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107        (6) If a legislative member ceases to be a member of the  
108 house from which he or she was appointed, the member vacates his  
109 or her membership on the committee.

110        (7) If a vacancy occurs, the appropriate appointing  
111 authority shall appoint a person to serve for the remainder of  
112 the unexpired term in the same manner as the original  
113 appointment.

114        (8) The committee shall have a chair and vice chair as  
115 presiding officers. The chair and vice chair must alternate each  
116 year between the two membership groups appointed by the  
117 President of the Senate and the Speaker of the House of  
118 Representatives. The chair and vice chair may not be from the  
119 same membership group. The President of the Senate shall  
120 designate a presiding officer from his appointed membership  
121 group who shall preside as chair during the odd-numbered year  
122 and as vice chair during the even-numbered year, and the Speaker  
123 of the House of Representatives shall designate the other  
124 presiding officer from his appointed membership group who shall  
125 preside as chair during the even-numbered year and as vice chair  
126 during the odd-numbered year.

127        (9) Seven members of the committee constitute a quorum. A  
128 final action or recommendation may not be made unless approved  
129 by a recorded vote of a majority of the committee's full  
130 membership.

131        (10) Each member of the committee is entitled to  
132 reimbursement for actual and necessary expenses incurred in  
133 performing committee duties. Each legislative member is entitled  
134 to reimbursement from the appropriate fund of the member's

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135 respective house. Each public member is entitled to  
 136 reimbursement from funds appropriated for use by the committee.

137 21.004 Staff.--The Senate and the House of Representatives  
 138 may each employ staff to work for the chair and vice chair of  
 139 the committee on matters related to committee activities. The  
 140 Auditor General and the Office of Program Policy Analysis and  
 141 Government Accountability shall assist the committee in  
 142 conducting its review under s. 21.0111.

143 21.005 Schedule for abolishing state agencies and advisory  
 144 committees.--The following state agencies, including their  
 145 advisory committees, or the following advisory committees of  
 146 agencies are abolished according to the following schedule:

147 (1) Abolished July 1, 2008:

148 (a) Advisory committees for the Fish and Wildlife  
 149 Conservation Commission.

150 (b) Department of Agriculture and Consumer Services.

151 (c) Department of Citrus, including the Citrus Commission.

152 (d) Department of Environmental Protection.

153 (e) Department of Highway Safety and Motor Vehicles.

154 (f) Water management districts.

155 (2) Abolished July 1, 2009:

156 (a) Department of Children and Family Services.

157 (b) Department of Community Affairs.

158 (c) Department of Management Services.

159 (d) Department of State.

160 (3) Abolished July 1, 2010:

161 (a) Advisory committees for the Florida Community College  
 162 System.

- 163 |        (b) Advisory committees for the State University System.
- 164 |        (c) Agency for Workforce Innovation.
- 165 |        (d) Department of Education.
- 166 |        (e) Department of the Lottery.
- 167 |        (4) Abolished July 1, 2011:
- 168 |        (a) Agency for Health Care Administration.
- 169 |        (b) Agency for Persons with Disabilities.
- 170 |        (c) Department of Elderly Affairs.
- 171 |        (d) Department of Health.
- 172 |        (5) Abolished July 1, 2012:
- 173 |        (a) Department of Business and Professional Regulation.
- 174 |        (b) Department of Transportation.
- 175 |        (c) Department of Veterans' Affairs.
- 176 |        (6) Abolished July 1, 2013:
- 177 |        (a) Advisory committees for the State Board of
- 178 | Administration.
- 179 |        (b) Department of Financial Services, including the
- 180 | Financial Services Commission.
- 181 |        (c) Department of Revenue.
- 182 |        (7) Abolished July 1, 2014:
- 183 |        (a) Department of Corrections.
- 184 |        (b) Department of Juvenile Justice.
- 185 |        (c) Department of Law Enforcement.
- 186 |        (d) Department of Legal Affairs.
- 187 |        (e) Justice Administrative Commission.
- 188 |        (f) Parole Commission.
- 189 |        (8) Abolished July 1, 2015:
- 190 |        (a) Executive Office of the Governor.

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191 (b) Florida Public Service Commission.

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193 The President of the Senate and the Speaker of the House of  
194 Representatives may alter this schedule by transferring agencies  
195 between review years.

196 21.006 Agency report to committee.--Not later than January  
197 1 of the year preceding the year in which a state agency and its  
198 advisory committees are scheduled to be abolished, the agency  
199 shall provide the committee with a report that includes:

200 (1) A list of all agency programs and activities as  
201 defined in s. 216.011.

202 (2) The performance measures for each program and activity  
203 as provided in s. 216.011 and 3 years of data for each measure  
204 that provides actual results for the immediately preceding 2  
205 years and projected results for the current fiscal year.

206 (3) The agency's success in meeting its legislative  
207 performance standards for each program and activity and an  
208 explanation of factors that have contributed to its success or  
209 failure to achieve the legislative standards.

210 (4) The promptness and effectiveness with which the agency  
211 disposes of complaints concerning persons affected by the  
212 agency.

213 (5) The extent to which the agency has encouraged  
214 participation by the public in making its rules and decisions as  
215 opposed to participation solely by those it regulates and the  
216 extent to which public participation has resulted in rules  
217 compatible with the objectives of the agency.



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218       (6) The extent to which the agency has complied with  
219 applicable requirements of:

220       (a) State and federal provisions relating to equality of  
221 employment opportunity and the rights and privacy of  
222 individuals.

223       (b) State law and applicable rules regarding purchasing  
224 goals and programs for historically underutilized businesses.

225       (7) A statement of the objectives intended for each  
226 program and activity, the problem or need that the program and  
227 activity were intended to address, and the extent to which these  
228 objectives have been achieved.

229       (8) An assessment of the extent to which the jurisdiction  
230 of the agency and its programs and activities overlap or  
231 duplicate those of other agencies and the extent to which the  
232 programs and activities can be consolidated with those of other  
233 agencies.

234       (9) An assessment of less restrictive or alternative  
235 methods of providing services for which the agency is  
236 responsible that would reduce costs or improve performance while  
237 adequately protecting the public.

238       (10) An assessment of the extent to which the agency has  
239 corrected deficiencies and implemented recommendations contained  
240 in reports of the Auditor General, the Office of Program Policy  
241 Analysis and Government Accountability, legislative interim  
242 studies, and federal audit entities.

243       (11) The extent to which the agency adopts and enforces  
244 rules relating to potential conflicts of interest of its  
245 employees.

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246       (12) The extent to which the agency complies with public  
247 records and public meetings requirements under chapters 119 and  
248 286 and s. 24, Art. I of the State Constitution and follows  
249 records management practices that enable the agency to respond  
250 efficiently to requests for public information.

251       (13) The extent to which alternative program delivery  
252 options, such as privatization, have been considered to reduce  
253 costs or improve services to citizens.

254       (14) Recommendations to the Legislature for statutory or  
255 budgetary changes that would improve program operations, reduce  
256 costs, or reduce duplication.

257       (15) The effect of federal intervention or loss of federal  
258 funds if the agency, program, or activity is abolished.

259       (16) A list of all advisory committees, including those  
260 established in statute and those established by agency  
261 initiation; their purpose, activities, membership, and related  
262 expenses; the extent to which their purposes have been achieved;  
263 and the rationale for continuing or eliminating each advisory  
264 committee.

265       (17) Other information deemed necessary by the committee.

266  
267 Information and data reported by the agency shall be validated  
268 by its inspector general before submission to the committee.

269       21.007 Legislative review.--Upon receipt of an agency  
270 report pursuant to s. 21.006, the Office of Program Policy  
271 Analysis and Government Accountability shall conduct a program  
272 evaluation and justification review, as defined in s. 11.513, of  
273 the agency and its advisory committees. The review shall be

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274 comprehensive in its scope and consider the information provided  
275 by the agency report in addition to information deemed necessary  
276 by the office and the Legislative Sunset Advisory Committee. The  
277 Office of Program Policy Analysis and Government Accountability  
278 shall submit its report to the Legislative Sunset Advisory  
279 Committee and to the President of the Senate and the Speaker of  
280 the House of Representatives by October 31 of the year in which  
281 the agency submits its report. The Office of Program Policy  
282 Analysis and Government Accountability shall include in its  
283 report recommendations for consideration by the Legislative  
284 Sunset Advisory Committee.

285 21.008 Committee duties.--No later than March 1 of the  
286 year in which a state agency or its advisory committees are  
287 scheduled to be abolished, the committee shall:

288 (1) Review the information submitted by the agency and the  
289 report of the Office of Program Policy Analysis and Government  
290 Accountability.

291 (2) Consult with the Legislative Budget Commission,  
292 relevant substantive and appropriations committees of the Senate  
293 and the House of Representatives, the Governor's Office of  
294 Policy and Budgeting, the Auditor General, and the Chief  
295 Financial Officer, or their successors, on the application to  
296 the agency and its advisory committees of the criteria provided  
297 in s. 21.0111.

298 (3) Hold public hearings to consider this information as  
299 well as other information and testimony that the committee deems  
300 necessary.

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301 (4) Present to the President of the Senate, the Speaker of  
302 the House of Representatives, and the Governor a report on the  
303 agencies and advisory committees scheduled to be abolished that  
304 year. In the report, the committee shall include its specific  
305 findings and recommendations regarding each of the criteria  
306 prescribed by s. 21.0111 and shall also:

307 (a) Make recommendations on the abolition, continuation,  
308 or reorganization of each affected state agency and its advisory  
309 committees and on the need for the performance of the functions  
310 of the agency and its advisory committees.

311 (b) Make recommendations on the consolidation, transfer,  
312 privatization, or reorganization of programs within state  
313 agencies not under review when the programs duplicate functions  
314 performed in agencies under review.

315 (c) Recommend appropriation levels for each state agency  
316 and advisory committee for which abolition or reorganization is  
317 recommended.

318 (d) Include drafts of legislation necessary to carry out  
319 the committee's recommendations.

320 21.009 Monitoring of recommendations.--During each  
321 legislative session, staff of the committee shall monitor  
322 legislation affecting agencies that have undergone review under  
323 this chapter and shall periodically report to members of the  
324 committee on proposed changes that would modify recommendations  
325 of the committee. Staff shall also present a report to the  
326 committee at the close of each legislative session on the  
327 adoption of committee recommendations by the Legislature.

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328        21.0111 Criteria for review.--The committee shall consider  
329 the following criteria in determining whether a public need  
330 exists for the continuation of a state agency or its advisory  
331 committees or for the performance of the functions of the agency  
332 or its advisory committees:

333        (1) Agency compliance with the accountability measures, as  
334 analyzed by the Auditor General, the Office of Program Policy  
335 Analysis and Government Accountability, and the Office of Policy  
336 and Budget within the Executive Office of the Governor, pursuant  
337 to s. 216.023(4) and (5).

338        (2) The efficiency with which the agency or advisory  
339 committee operates.

340        (3) The objectives of the agency or advisory committee and  
341 the problem or need that the agency or advisory committee is  
342 intended to address, the extent to which the objectives have  
343 been achieved, and any activities of the agency in addition to  
344 those granted by statute and the authority for these activities.

345        (4) An assessment of less restrictive or alternative  
346 methods of providing any regulatory function for which the  
347 agency is responsible while adequately protecting the public.

348        (5) The extent to which the advisory committee is needed  
349 and is used.

350        (6) The extent to which the jurisdiction of the agency and  
351 the programs administered by the agency overlap or duplicate  
352 those of other agencies and the extent to which the programs  
353 administered by the agency can be consolidated with the programs  
354 of other state agencies.

355       (7) Whether the agency has recommended to the Legislature  
356 statutory changes calculated to be of benefit to the public  
357 rather than to an occupation, business, or institution that the  
358 agency regulates.

359       (8) The promptness and effectiveness with which the agency  
360 disposes of complaints concerning persons affected by the  
361 agency.

362       (9) The extent to which the agency has encouraged  
363 participation by the public in making its rules and decisions as  
364 opposed to participation solely by those it regulates and the  
365 extent to which the public participation has resulted in rules  
366 compatible with the objectives of the agency.

367       (10) The extent to which the agency has complied with  
368 applicable requirements of:

369           (a) An agency of the Federal Government or of this state  
370 regarding equality of employment opportunity and the rights and  
371 privacy of individuals.

372           (b) State law and applicable rules of any state agency  
373 regarding purchasing goals and programs for historically  
374 underutilized businesses.

375       (11) The extent to which changes are necessary in the  
376 enabling statutes of the agency so that the agency can  
377 adequately comply with the criteria listed in this section.

378       (12) The extent to which the agency adopts and enforces  
379 rules relating to potential conflicts of interest of its  
380 employees.

381       (13) The extent to which the agency complies with public  
382 records and public meetings requirements under chapters 119 and

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383 287 and s. 24, Art. I of the State Constitution and follows  
384 records management practices that enable the agency to respond  
385 efficiently to requests for public information.

386 (14) The extent to which the agency complies with  
387 requirements for maintaining transparency in its budget reports.

388 (15) The extent to which the agency accurately reports  
389 performance measures used to justify state spending on each of  
390 its activities, services, and programs.

391 (16) The effect of federal intervention or loss of federal  
392 funds if the agency is abolished.

393 (17) Whether any advisory committee or any other part of  
394 the agency exercises its powers and duties independently of the  
395 direct supervision of the agency head in violation of s. 6, Art.  
396 IV of the State Constitution.

397 21.012 Recommendations.--In its report on a state agency,  
398 the committee shall:

399 (1) Make recommendations on the abolition, continuation,  
400 or reorganization of each affected state agency and its advisory  
401 committees and on the need for the performance of the functions  
402 of the agency and its advisory committees.

403 (2) Make recommendations on the consolidation, transfer,  
404 or reorganization of programs within state agencies not under  
405 review when the programs duplicate functions performed in  
406 agencies under review.

407 (3) Recommend appropriation levels for each state agency  
408 and advisory committee for which abolition or reorganization is  
409 recommended under subsection (1) or subsection (2).

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410 (4) Include drafts of legislation necessary to carry out  
411 the committee's recommendations under subsection (1) or  
412 subsection (2).

413 21.0125 Review of certain agencies.--In the year preceding  
414 the date scheduled for the abolition of a state agency and its  
415 advisory committees under this chapter, the committee may  
416 recommend exempting certain agencies from the requirements of  
417 this chapter relating to staff reports, hearings, and  
418 evaluations.

419 21.0126 Monitoring of recommendations.--During each  
420 legislative session, the staff of the committee shall monitor  
421 legislation affecting agencies that have undergone review under  
422 this chapter and shall periodically report to the members of the  
423 committee on proposed changes that would modify prior  
424 recommendations of the committee.

425 21.013 Abolition of advisory committees.--An advisory  
426 committee is abolished on the date set for abolition of the  
427 agency unless the advisory committee is expressly continued by  
428 law.

429 21.015 Continuation by law.--

430 (1) During the regular session immediately before a state  
431 agency and its advisory committees are scheduled to be  
432 abolished, the Legislature, by law, may continue the agency or  
433 any of its advisory committees for a period not to exceed 8  
434 years.

435 (2) This chapter does not prohibit the Legislature from:

436 (a) Abolishing a state agency or advisory committee on a  
437 date earlier than that scheduled in this chapter; or



438 (b) Considering any other legislation relative to a state  
439 agency or advisory committee scheduled to be abolished under  
440 this chapter.

441 21.016 Legislative consideration.--

442 (1) Except as provided by subsection (2), the Legislature  
443 may not consider in one bill the continuation, transfer, or  
444 modification of more than one state agency and the agency's  
445 functions and advisory committees.

446 (2) If more than one agency, advisory committee, or  
447 function is to be consolidated, the Legislature may consider in  
448 one bill only the agencies or advisory committees to be  
449 consolidated.

450 (3) A bill to continue a state agency, to transfer its  
451 functions, or to consolidate it with another agency must mention  
452 the affected agencies in the title of the bill.

453 21.017 Procedure after termination.--

454 (1) A state agency that is abolished may continue in  
455 existence until July 1 of the following year to conclude its  
456 business. Unless the law provides otherwise, abolition does not  
457 reduce or otherwise limit the powers and authority of the state  
458 agency during the concluding year. A state agency is terminated  
459 and shall cease all activities at the expiration of the 1-year  
460 period. Unless the law provides otherwise, all rules that have  
461 been adopted by the state agency expire at the expiration of the  
462 1-year period.

463 (2) Any unobligated and unexpended appropriations of an  
464 abolished agency or advisory committee lapse on July 1 of the  
465 year following abolition.

466       (3) Except as provided by subsection (5) or as otherwise  
467 provided by law, all money in a dedicated fund of an abolished  
468 state agency or advisory committee on July 1 of the year  
469 immediately following abolition is transferred to the General  
470 Revenue Fund. The part of the law dedicating the money to a  
471 specific fund of an abolished agency becomes void on July 1 of  
472 the year immediately following abolition.

473       (4) If not otherwise provided by law, property and records  
474 in the custody of an abolished state agency or advisory  
475 committee on July 1 of the year immediately following abolition  
476 shall be transferred to the Department of Management Services.

477       (5) The Legislature recognizes the state's continuing  
478 obligation to pay bonded indebtedness and all other obligations,  
479 including lease, contract, and other written obligations,  
480 incurred by a state agency abolished under this chapter, and  
481 this chapter does not impair or impede the payment of bonded  
482 indebtedness and all other obligations, including lease,  
483 contract, and other written obligations, in accordance with  
484 their terms. If an abolished state agency has outstanding bonded  
485 indebtedness or other outstanding obligations, including lease,  
486 contract, and other written obligations, the bonds and all other  
487 obligations, including lease, contract, and other written  
488 obligations, remain valid and enforceable in accordance with  
489 their terms and subject to all applicable terms and conditions  
490 of the laws and proceedings authorizing the bonds and all other  
491 obligations, including lease, contract, and other written  
492 obligations. If not otherwise provided by law, the Department of  
493 Management Services shall continue to carry out all covenants

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494 contained in the bonds and in all other obligations, including  
 495 lease, contract, and other written obligations, and the  
 496 proceedings authorizing them, including the issuance of bonds,  
 497 and the performance of all other obligations, including lease,  
 498 contract, and other written obligations, to complete the  
 499 construction of projects or the performance of other  
 500 obligations, including lease, contract, and other written  
 501 obligations. The designated state agency shall provide payment  
 502 from the sources of payment of the bonds in accordance with the  
 503 terms of the bonds and shall provide payment from the sources of  
 504 payment of all other obligations, including lease, contract, and  
 505 other written obligations, in accordance with their terms,  
 506 whether from taxes, revenues, or otherwise, until the bonds and  
 507 interest on the bonds are paid in full and all other  
 508 obligations, including lease, contract, and other written  
 509 obligations, are performed and paid in full. If the proceedings  
 510 so provide, all funds established by laws or proceedings  
 511 authorizing the bonds or authorizing other obligations,  
 512 including lease, contract, and other written obligations, shall  
 513 remain with the Chief Financial Officer or the previously  
 514 designated trustees. If the proceedings do not provide that the  
 515 funds remain with the Chief Financial Officer or the previously  
 516 designated trustees, the funds shall be transferred to the  
 517 designated state agency.

518 21.018 Subpoena power.--

519 (1) The President of the Senate or the Speaker of the  
 520 House of Representatives may issue process to compel the  
 521 attendance of witnesses and the production of books, records,

522 papers, and other objects necessary or proper for the purposes  
 523 of the committee proceedings. The process may be served on a  
 524 witness at any place in this state.

525 (2) If a majority of the committee directs the issuance of  
 526 a subpoena, the chair shall request that the President of the  
 527 Senate or the Speaker of the House of Representatives issue the  
 528 subpoena.

529 (3) Testimony taken under subpoena must be reduced to  
 530 writing and given under oath subject to the penalties of  
 531 perjury.

532 (4) A witness who attends a committee proceeding under  
 533 process is entitled to the same mileage and per diem as a  
 534 witness who appears before a grand jury in this state.

535 21.019 Assistance of and access to state agencies.--

536 (1) The committee may request the assistance of state  
 537 agencies and officers. When assistance is requested, a state  
 538 agency or officer shall assist the committee.

539 (2) In carrying out its functions under this chapter, the  
 540 committee or its designated staff member may inspect the  
 541 records, documents, and files of any state agency.

542 21.0211 Saving provision.--Except as otherwise expressly  
 543 provided by law, abolition of a state agency does not affect  
 544 rights and duties that matured, penalties that were incurred,  
 545 civil or criminal liabilities that arose, or proceedings that  
 546 were begun before the effective date of the abolition.

547 21.022 Review of proposed legislation creating a new  
 548 agency or advisory committee.--

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549 (1) Each bill filed in the Senate or the House of  
550 Representatives that would create a new state agency or a new  
551 advisory committee to a state agency shall be forwarded by the  
552 President of the Senate or the Speaker of the House of  
553 Representatives, as applicable, to the committee.

554 (2) The committee shall review the bill to determine  
555 whether:

556 (a) The proposed regulatory and other functions of the  
557 state agency or advisory committee could be administered by one  
558 or more existing state agencies or advisory committees;

559 (b) The form of regulation, if any, proposed by the bill  
560 is the least restrictive form of regulation that will adequately  
561 protect the public;

562 (c) The bill provides for adequate public input regarding  
563 any regulatory function proposed by the bill; and

564 (d) The bill provides for adequate protection against  
565 conflicts of interest within the state agency or advisory  
566 committee.

567 (3) After reviewing the bill, the committee shall forward  
568 a written comment concerning the legislation to the sponsor of  
569 the bill and to the chair of the substantive legislative  
570 committee to which the bill is referred, and implementation may  
571 not take place until a recommendation is made.

572 Section 2. Notwithstanding section 216.351, Florida  
573 Statutes, subsection (4) of section 216.023, Florida Statutes,  
574 is amended to read:

575 216.023 Legislative budget requests to be furnished to  
576 Legislature by agencies.--

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577 (4) (a) The legislative budget request must contain for  
578 each program:

579 1. The constitutional or statutory authority for a  
580 program, a brief purpose statement, and approved program  
581 components.

582 2. Information on expenditures for 3 fiscal years (actual  
583 prior-year expenditures, current-year estimated expenditures,  
584 and agency budget requested expenditures for the next fiscal  
585 year) by appropriation category.

586 3. Details on trust funds and fees.

587 4. The total number of positions (authorized, fixed, and  
588 requested).

589 5. An issue narrative describing and justifying changes in  
590 amounts and positions requested for current and proposed  
591 programs for the next fiscal year.

592 6. Information resource requests.

593 7. Legislatively approved output and outcome performance  
594 measures and any proposed revisions to measures. Each  
595 performance measure must identify the associated activity  
596 contributing to the measure from those identified in accordance  
597 with paragraph (b).

598 8. Proposed performance standards for each performance  
599 measure and justification for the standards and the sources of  
600 data to be used for measurement. Performance standards must  
601 include standards for each affected activity and be expressed in  
602 terms of the associated unit of activity.

603 9. Prior-year performance data on approved performance  
604 measures and an explanation of deviation from expected

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605 performance. Performance data must be assessed for reliability  
606 in accordance with s. 20.055.

607 10. Proposed performance incentives and disincentives.

608 11. Supporting information, including applicable cost-  
609 benefit analyses, business case analyses, performance  
610 contracting procedures, service comparisons, and impacts on  
611 performance standards for any request to outsource or privatize  
612 agency functions. The cost-benefit and business case analyses  
613 must include an assessment of the impact on each affected  
614 activity from those identified in accordance with paragraph (b).  
615 Performance standards must include standards for each affected  
616 activity and be expressed in terms of the associated unit of  
617 activity.

618 12. An evaluation of any major outsourcing and  
619 privatization initiatives undertaken during the last 5 fiscal  
620 years having aggregate expenditures exceeding \$10 million during  
621 the term of the contract. The evaluation shall include an  
622 assessment of contractor performance, a comparison of  
623 anticipated service levels to actual service levels, and a  
624 comparison of estimated savings to actual savings achieved.  
625 Consolidated reports issued by the Department of Management  
626 Services may be used to satisfy this requirement.

627 (b) It is the intent of the Legislature that total  
628 accountability measures, including unit-cost data, serve not  
629 only as a budgeting tool but also as a policymaking tool and an  
630 accountability tool. Therefore, each state agency and the  
631 judicial branch must submit a ~~one-page~~ summary of information  
632 for the preceding year in accordance with the legislative budget

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633 | instructions. Each ~~one-page~~ summary must provide a one-page  
 634 | overview and must contain:

- 635 |       1. The final budget for the agency and the judicial
- 636 | branch.
- 637 |       2. Total funds from the General Appropriations Act.
- 638 |       3. Adjustments to the General Appropriations Act.
- 639 |       4. The line-item listings of all activities.
- 640 |       5. The number of activity units performed or accomplished.
- 641 |       6. Total expenditures for each activity, including amounts
- 642 | paid to contractors and subordinate entities. Expenditures
- 643 | related to administrative activities not aligned with output
- 644 | measures must consistently be allocated to activities with
- 645 | output measures prior to computing unit costs.
- 646 |       7. The cost per unit for each activity, including the
- 647 | costs allocated to contractors and subordinate entities.
- 648 |       8. The total amount of reversions and pass-through
- 649 | expenditures omitted from unit-cost calculations.

650 |  
 651 | At the regular session immediately following the submission of  
 652 | the agency unit cost summary, the Legislature shall reduce in  
 653 | the General Appropriations Act for the ensuing fiscal year, by  
 654 | an amount equal to at least 10 percent of the allocation for the  
 655 | fiscal year preceding the current fiscal year, the funding of  
 656 | each state agency that fails to submit the report required under  
 657 | this paragraph.

658 |       Section 3. To assist in the development of legislative  
 659 | budget request instructions for agencies regarding the  
 660 | computation of activity and unit cost information required to be



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661 included in legislative budget requests under s. 216.023(4)(b),  
662 Florida Statutes, a working group consisting of representatives  
663 from the Executive Office of the Governor, the Office of Program  
664 Policy Analysis and Government Accountability, the Auditor  
665 General, the Department of Financial Services, and legislative  
666 appropriations committees shall be created, effective July 1,  
667 2006, to develop a cost-allocation methodology for agencies to  
668 use in the computation of activity and unit costs. The cost-  
669 allocation methodology shall be based on the standards and  
670 guidelines identified in the Federal Office of Management and  
671 Budget Circular A-87. In addition, this working group shall  
672 produce procedures to ensure that the recommended cost-  
673 allocation methodology produces auditable activity and unit cost  
674 information that can be used to compare the performance of each  
675 reported activity over time and of agencies and private entities  
676 that perform similar activities. The working group shall submit  
677 its recommendations, including the associated implementation and  
678 operating costs, to the Governor, the President of the Senate,  
679 and the Speaker of the House of Representatives by December 31,  
680 2006.

681 Section 4. This act shall take effect July 1, 2006.